

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 28887 of 2007(L)

AGAINST THE ORDER IN IA.1935 TO 1938/2007 IN
OS.16/2002 of SUB COURT, OTTAPPALAM

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PETITIONER:

SALIM, AGED 43 YEARS, S/O.SULAIMAN,
PADINJAREKKARAYIL HOUSE, KEERIKKAD POST,
THODUPUZHA, IDUKKI DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT:

P.S.ABDULLA HAJI, S/O.LATE SAITHALAVI,
CHERUTHURUTHIPOST, PALLOM DESOM,
THALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.S.SAJU
SRI.SHOBY K.FRANCIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Appendix

Petitioner's Exts:

Ext.P1 true copy of plaint in OS 16/2002 dated 21.1.2002 on the file of the Subordinate Judge's Court, Ottapalam.

Ext.P2 true copy of written statement filed by the petitioner herein dated 5.11.2002 in OS 16/2002 dated 21.1.2002 before the Subordinate Judge's Court, Ottapalam.

Ext.P3 true copy of the application IA No.1938/2007 in OS No.16/2002 dated 19.9.2007 filed by the petitioner before the Subordinate Judge's Court, Ottapalam.

Ext.P4 true copy of the application IA No.1937/2007 in OS 16/2002 dated 19.9.2007 filed by the petitioner before the Subordinate Judge's Court, Ottapalam.

Ext.P5 true copy of affidavit in support of IA No.1935/2007 in OS 16/2002 dated 19.9.2007 filed by the petitioner before the Subordinate Judge's Court, Ottapalam.

Ext.P6 true copy of affidavit in support of IA 1936/2007 in OS 16/2002 dated 19.9.2007 filed by the petitioner before the Subordinate Judge's Court, Ottapalam.

M.N.Krishnan, J.

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W.P(C).No.28887 of 2007

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Dated this the 15th day of October, 2007.

JUDGMENT

This Writ Petition is filed by the second defendant in the suit to permit him to examine the witness cited by him through Commission in O.S.No.16 of 2002 pending in that court and also to pass appropriate orders on Exts.P3 to P6 applications before finally hearing the suit. It is also prayed to direct the Subordinate Judge, Ottapalam to ascertain and consider the contents of Audio Cassettes produced by the petitioner.

2. Four applications as Exts.P3 to P6 had been filed for the purpose mentioned above. It is imperative that the court passes an order on all these applications before it takes up the matter for final hearing. Needless to say that when Exts.P3 to P6 applications are taken up for hearing, all concerned must be given notice and heard and orders passed in accordance with law.

3. Therefore, this Writ Petition is disposed of directing the

Subordinate Judge, Ottapalam to consider Exts.P3 to P6 applications and hear all concerned and dispose of the matter in accordance with law, within a time of three weeks from today. One of the parties shall take a copy of this judgment and produce before the Subordinate Judge for necessary compliance.

Writ Petition is disposed of as above.

M.N.Krishnan,
Judge.

ess 15/10